

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Miesha Earley,
Plaintiff
v.
Julio Fernandez et al.,
Defendants

Case No.: 2:13-cv-01047-JAD-VCF

**Order Granting Motion
for Remand of Action to
State Court [Doc. 18]**

Before the Court is Plaintiff Miesha Earley’s Motion for Remand of Action to State Court based on the addition of two defendants, Julio Fernandez and Roberto Gonzales Couso, whom Plaintiff maintains are Nevada residents and whose presence in this suit therefore destroys diversity of citizenship. Doc. 18 at 2. Defendant Geico Casualty Company responded. Doc. 19. It “does not oppose Plaintiff’s Motion to Remand based upon the lack of subject matter jurisdiction, if the parties joined are Nevada citizens.” *Id.* at 1–2.

The party seeking to remand “bears the burden of proof on the issue of diversity.” *Weber v. Metro. Life Ins. Co.*, 554 F. Supp. 553, 554 (D. Nev. 1982) (citing *Carson v. Dunham*, 121 U.S. 421, 425–26 (1887); *Goldberg v. CPC Int’l, Inc.*, 495 F. Supp. 233, 236 (N.D. Cal.1980)). Plaintiff specifically names new defendants in the Amended Complaint, Doc. 10 at 1–2, and asserts that these new defendants are Nevada residents. Geico does not challenge that assertion.

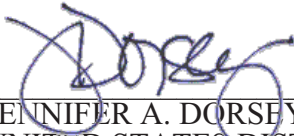
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1 It is therefore **ORDERED** that Plaintiff's Motion for Remand of Action to State Court [Doc.
2 **18]** is **GRANTED**. This cause is accordingly remanded to the Eighth Judicial District Court of the
3 State of Nevada, in and for Clark County.

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5 DATED October 9, 2013.

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9 JENNIFER A. DORSEY
10 UNITED STATES DISTRICT JUDGE
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